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SUBJECT: Darfur: Inauguration of Second Chamber of CFC, Clearing
Backlog of Cases, Rebel Outreach

11. (SBU) Summary: The AMIS Cease Fire Commission met January 8 and 10 to clear out a backlog of cease fire violations, receive briefings on the Force Commander's outreach to non-signatory rebel factions (septel), and inaugurate the Second Chamber for non-signatories. The First Chamber meeting on January 8 considered twelve cases; seven cases were disposed of with various recommendations, four referred to the Joint Commission, and one carried over to the Second Chamber. On January 10, the First Chamber considered four cases, all of which were carried over to the next meeting.

12. (SBU) The January 8 and 10 Second Chamber meetings constituted an opportunity to discuss the FC's outreach to rebel faction leaders and a useful reality check on who he is meeting. When confronted with a violation, the JEM and SLA/NSF representatives in attendance insisted on the need to restore their faction CFC representatives at the Sector sub-CFC level, which the GOS continues to oppose. They also insisted that the structure of the Second Chamber follow the Addis Agreement on the Modalities for the CFC (28 May 2004), and not the DPA, lest they be pulled into the DPA through the backdoor. Attendees discussed ejection of Civ/Pol from the station at Kabkabiya in Sector 4, as well as the ongoing problem of the disappearance of AMIS fuel at the airport, which brought the walkout of the GOS representative. He later apologized to the Chairman and reported that eight soldiers and two civilians were arrested in the case. End Summary.

CEASE FIRE COMMISSION FIRST CHAMBER JANUARY 8 and 10

13. (U) African Union Force Commander MG LKF Aprezi chaired the CFC meetings of January 8 and 10. Also in attendance were the DFC (1st Vice Chairman), AU Civ/Pol Commissioner, EU Rep (2d Vice Chairman), and observers from the EU, UN, and U.S. (El Fasher Liaison Officer). Faction reps included COL Adam Ali War (SLM/A - M), LTC Gamal Arbab (SLM/Freewill), LTC Mustafa Dawood (JEM/Peace Wing), LTC Ali Mohammed Hamad (JEM/Peace Wing), and LTC A Bardawi from the GOS.

FUEL THEFT AT EL FASHER AIRPORT

14. (SBU) While not perhaps a strict cease fire violation, the Force Commander took advantage of the January 8 meeting to raise the issue that everyday fuel is being stolen from the AU at El Fasher airport. He said he has raised it before, and the GOS always says it would investigate the matter, but never produces a report. The GOS rep again asked for time to complete the investigation and the FC gave him until the next meeting on January 10. At issue is the fact that the GOS will not allow the AU to post guards over its fuel site or aircraft because of what it considers the sensitivity of the airport; the AU is concerned with the cost of the lost fuel, but also with the danger to aircraft that are being drained of fuel by untrained individuals. When the Force Commander forcibly raised the issue again on January 10, stating that two nights prior some 1,300 liters were stolen, the GOS rep slammed his notebook shut and said if his government is going to be accused of theft, he will not participate in the meeting. He left in a huff to a somewhat stunned audience. The FC continued the meeting in his absence, stating that he could continue to "name and shame" with or without the GOS rep. He told Poloff later in the day, however, that the GOS rep had returned in the afternoon to apologize, and to inform him that the GOS had arrested eight soldiers and two civilians in the case; they apparently had been stealing the gas using 20 liter jerry cans, effectively an all night, every night, operation.

CFC SOP AND SECRETARIAT

15. (SBU) The FC said that the Cease Fire Commission SOP is almost complete and would be available for review by the parties in the next week or so. Throughout the day there was considerable confusion about who had received which reports and a good deal of back and forth to the copier machine to get the right papers into the hands of participants. The CFC Secretariat did seem to be a bit overwhelmed, and certain basic management tools -- e.g., a tracking spreadsheet for cases -- was missing. The FC said at one point to his deputy that he hopes several of the incoming UN staff officers could be assigned to the CFC to make the secretariat run better. (Comment: This would seem to be an essential element to making the CFC effective; the strict accounting and tracking of cases would be the only way to ensure that the parties are accountable, and the rapid dissemination of information is key; several cases that were considered during the day, for example, were dismissed because the information was stale. End comment.)

CIV/POL EJECTION FROM KABKABIYA

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16. (SBU) The Civ/Pol Commissioner then reviewed the case of the effective ejection of Civ/Pol from Kabkabiya in Sector Four. According to the report, which was filed as a violation of the DPA, if not a strict CFC violation, the GOS police commissioner called in his Civ/Pol counterpart and told him that the Civ/Pol station would have to close. He cited four "violations": 1) they did not have a land permit for the station; 2) they have been violating local tradition by urging women to go to a medical clinic after they have been raped; 3) they are undercutting the authority of the local police; and 4) they are getting involved in things outside their mandate, such as meeting with people and taking testimony, as opposed to simple observation. The Civ/Pol Commissioner met with the GOS Police Commissioner to press the issue, but he did not yield. The Civ/Pol chief said he believes the matter now needs to go to Khartoum for resolution at a political level. He further reported on January 10 that Civ/Pol was forced to abandon the station, which was subsequently looted. He said he would again push the issue next week, and the FC suggested to the GOS rep that the standard answer that "there would be a report" on issues in the future was unacceptable. The SLA/MM rep urged the AU to push the government hard on this issue.

INVESTIGATIVE REPORTS JANUARY 8

17. (SBU) The group then reviewed twelve reports on a wide variety of violations, of which seven were dismissed, four were referred to the Joint Commission, and one moved to the Second Chamber:

-- Attack on NGOs in Gereida (18 December 2006): The FC came down strongly on the SLA/MM rep in this case, as did Poloff, who suggested that because of the impact this has had on the ability of the international community to deliver humanitarian aid, the U.S. considers this one of the most important of the violations and it has received widespread attention in capitals. The weakness of the CFC was on display at this point, when the SLA/MM rep clearly had no information on the case, and was somewhat surprised it was being raised. He was given until January 10 to have the names of the perpetrators, which the FC insisted was the responsibility of the faction even if the individuals had left their organization. He stressed that there needs to be some accountability in the field by those who profess to control an area, and that individuals cannot have impunity merely by leaving a group and freelancing. When the SLA/MM rep did not have any more information on January 10, and complained that it was simply too difficult to pin down, the FC suggested that the case be moved to the Joint Commission.

-- Janjaweed and SAF attack on Deim Bishara (8 December 2006): GOS questioned whether it really happened. Referred to Joint Commission.

-- Attack by Arab Militia (FC said no more use of that term, call them Janjaweed instead) at Abushakeen, (2 December 2006): There was a problem with how long it took to investigate and the evidence being stale. FC suggested that since Janjaweed will only be represented in the JC, it would be difficult to handle this here. The case will not move to the JC, but the issue of Janjaweed control and disarmament will.

-- Attack by GOS on Nina Market (19 October 2006): GOS says no connection to Janjaweed. Goes to JC.

-- Attack on Abu Shakeen Village (15 October 2006): Livestock taken and several people killed. GOS does not accept connection to Janjaweed. Raises larger issue of Janjaweed disarmament. Dismissed because of timing.

-- Hijacked GOAL Vehicle (8 October 2006): Has been recovered, case dismissed.

-- Arab Militia Attack on Dolol Village (1 October 2006): Sketchy information, dismissed.

-- Attack on AMIS escort convoy to Kutum (2 September 2006): Minor injuries, dismissed.

-- Shooting of AMIS NCO near Kutum (13 September 2006): Dismissed for lack of good information on perpetrators.

-- Alleged abduction and shooting of women by armed militia near Kassab IDP Camp: Allegations not proven, dismissed.

-- Theft of camels and one killing by JEM rebels near Wadi Sunut (19, 30 June 2006): Determined to be banditry, dismissed.

-- Shooting of AMIS Patrol by SLA/S near Tui village (2 December 2006): Need confidence building measures between AMIS and rebels.

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The incident was shifted to the Second Chamber to facilitate discussion with JEM.

-- The SLA/MM Rep also informed the group that one of his commanders called to inform him that an armed militia operating somewhere in Sector 1 area of responsibility and possibly supported by the GOS had ambushed his forces. He was advised to make a formal complaint in writing to the CFC.

INVESTIGATIVE REPORTS JANUARY 10

18. (SBU) In the January 10 session, the CFC catalogued an additional four cases:

-- Fighting between GOS and SLA/MM at the Mawasha Animal Market (3 December 2006) leading to looting of shops by Janjaweed and demonstrations in El Fasher on 6 December. The incidents led to the deaths of three GOS soldiers and five SLA/MM fighters. The report recommends: 1) There should be better public education on the tasks and obligations of AMIS; 2) FC should initiate training and meetings on conflict resolution; 3) Perpetrators of the fighting should be

arrested and prosecuted; and 4) All GOS soldiers should be removed from El Fasher. The discussion will carry over to the next CFC meeting after the parties have had time to review it.

-- Alleged killing and wounding of pupils at Tagadum Basic School by Janjaweed (5 December 2006): The investigators found that in fact one student had been killed and another wounded, but it was not clear that it was done by Janjaweed. Discussion will carry over to the next week.

-- Theft of vehicles from World Vision Guest House in Khor Abeche leading to the evacuation of WV (6 December 2006): The attack was carried out by 40 armed men arriving in 13 vehicles, suspected to be from the NRF. Investigators suspect it is to gather vehicles for a future offensive. Carry over to next week.

-- GOS aerial attack on Deim Bishara (24 December 2006): According to the report the GOS carried out 12 aerial bombardments of the village of Deim Bishara which claimed the lives of 6 JEM fighters, 3 civilians, and "some" GOS soldiers. There was also reported to be a ground attack by Janjaweed following the aerial attack. The investigators recommend that the GOS be sanctioned over the attack. The report will be discussed in the next week when the GOS is in attendance at the CFC.

PRESS STATEMENTS

19. (U) The CFC has issued a number of press statements over the past several weeks:

-- On December 20 it condemned the attacks on ACF and Oxfam in Geraida, and called on the SLM/MM to assist AMIS in tracking down the perpetrators and recovering the looted items.

-- On January 7 it "observed with disappointment" reports of air bombardment of Bamina and Gadir on 5 January by the GOS, noting that the GOS claimed the NRF was massing weapons and fighters in Bamina near the Sudan/Chad border.

SECOND CHAMBER MEETINGS JANUARY 8 AND 10

10. (SBU) The Chairman inaugurated the Second Chamber on January 8, with General Mohammed Bashir and Major Abdessalam Kitir representing JEM, and Colonel Abdou Abdalla Ismail representing the SLA/NSF. The Chairman highlighted the importance of the Second Chamber, but noted that unless it extends down to the sub-sector level it would not be effective. To date, he said the GOS only had agreed to allow the Second Chamber to go forward at the CFC level. He noted that the members were welcome to file violations against any party that violated the ceasefire. The Chairman also briefed the participants in great detail about his efforts to reach out to non-signatories in the field and his intention to help facilitate a commander's conference which would help them to better organize to support the peace process (septel).

11. (SBU) Both non-signatories agreed with the urgent need to get the GOS to allow their representatives back out in the field at the Sector Sub-CFC level. Without this, they said, they would not be able to respond to complaints, (which they demonstrated later on by dismissing a case because they have no one who could gather information on it), and would not be in a position to file complaints. They also insisted that this was the only way they could actively participate in the investigations, making the point

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that none of their people had signed the report. The Chairman promised to continue to press the GOS on this.

12. (SBU) The second issue which they pressed was symbolic, but extremely important to them. At one point in the second meeting on January 10, the FC mentioned that he would be away starting over the weekend. When he announced that the Deputy Force Commander would chair the CFC they took issue, and said that according to the N'Djamena Humanitarian Ceasefire, the EU rep should take over in the absence of the Chairman. (Note: The "Agreement with the Sudanese Parties on the Modalities for the Establishment of the Ceasefire Commissions and the Deployment of Observers in the Darfur" (Addis Ababa, 28 May 2004) states that the Deputy Chair should be from the EU, while Article 240 of the DPA states that "the AMIS Deputy Force Commander shall be the first vice chair." End note.) Bashir and Ismail made it clear that they had signed up for N'Djamena and the accompanying protocols, not the DPA, and were not going to allow the Chairman to bring them into the DPA through the back door. He later held a closed door session with them in which he suggested they not allow such an important process to collapse over ! technicalit.Q-The9 non%|hehesshdLdthEir argund*

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